

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

State of Nevada Supreme Courts,
Plaintiff
v.
Jonathan Green,
Defendant

Case No.: 2:20-cv-01932-JAD-NJK

Order Adopting Report and Recommendation, Dismissing Action, and Closing Case

[ECF No. 4]

In October, the court ordered Jonathan Green to pay the filing fee to avoid having this case dismissed.¹ When Green failed to do so, the magistrate judge recommended that I dismiss this case.² The deadline for objections to that report and recommendation passed without any filing or payment of the fee, and “no review is required of a magistrate judge’s report and recommendation unless objections are filed.”³

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.⁴ A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁵ In determining whether to dismiss an action

¹ ECF No. 3.

2 ECF No. 4.

³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

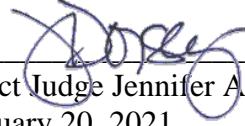
⁴ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁵ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.

1 on one of these grounds, the court must consider: (1) the public's interest in expeditious
 2 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
 3 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
 4 availability of less drastic alternatives.⁶

5 The first two factors, the public's interest in expeditiously resolving this litigation and the
 6 court's interest in managing its docket, weigh in favor of dismissal of this case. The third factor,
 7 risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of injury
 8 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
 9 prosecuting an action.⁷ A court's warning to a party that its failure to obey the court's order will
 10 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement,⁸ and
 11 that warning was given here.⁹ The fourth factor—the public policy favoring disposition of cases
 12 on their merits—is greatly outweighed by the factors favoring dismissal.

13 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY
 14 ORDERED that the Report and Recommendation [ECF No. 4] is ADOPTED, and this case is
 15 DISMISSED for failure to pay the filing fee as directed by the court. The Clerk of Court is
 16 directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.

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 19 U.S. District Judge Jennifer A. Dorsey
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 21
 22 Dated: January 20, 2021

22 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
 23 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

24⁶ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
 25 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26⁷ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27⁸ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28⁹ ECF Nos. 3, 4.